IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICITON

NOTICE OF MOTION NO.746 OF 2007
IN
APPEAL (L) NO.131 OF 2007
IN
ARBITRATION PETITION NO.377 OF 2006

Niskalp Investment & Trading & Co. .. Applicant.

Versus

Multimedia Frontiers Ltd. & Ors. .. Respondents.

Mr.Kamal Katha i/by Kartikeya & Associates for the applicant.

Mr.Dhavan Jumani i/by Hariani & Co. for the respondents.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 10TH AUGUST, 2007.

P.C. :

1. Heard.

2. This notice of motion is taken out by the appellant - original respondent No.1 seeking condonation of delay of 16 days in filing the appeal.

3. Although the motion is strongly opposed by the learned counsel for the respondent, in the light of the averments made in the affidavit in support of the notice of motion, we are of the opinion that there is no negligence or inaction or want of bona

fides on the part of the applicant and, therefore, it is a fit case for condoning the delay of 16 days in filing the appeal subject to payment of costs.

4. Accordingly, the notice of motion is allowed, subject to the applicant paying to the respondent a sum of Rs.5,000/- as costs within two weeks from today.

5. Notice of motion is made absolute accordingly.

(F.I. REBELLO, J.)

(J.P. DEVADHAR, J.)